

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:) Case No. 13-40472-659
SOPHORNIA HARRIS,) Honorable Kathy A. Surratt-States
Debtor.) Chapter 7
)
) **MOTION TO COMPEL TURNOVER**
)
) Hearing Date: May 20, 2013
) Hearing Time: 10:00 a.m.

MOTION TO COMPEL TURNOVER

COMES NOW David A. Sosne, duly appointed Chapter 7 Trustee herein, by and through his counsel, and for his Motion to Compel Turnover (“Motion”), respectfully states to this Honorable Court as follows:

1. This Court has jurisdiction over the subject matter of these proceedings pursuant to 28 U.S.C. §§ 1334, 151 and 157, and Local Rule 9.01 of the United States District Court, Eastern District of Missouri.

2. This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (E) and (O), which the Court may hear and determine.

3. David A. Sosne (“Trustee”) is the duly appointed and acting Chapter 7 Trustee in bankruptcy for the estate of Sophornia Harris (“Debtor”).

4. On or about January 22, 2013, Debtor filed her Voluntary Petition for Relief pursuant to Chapter 7 of the United States Bankruptcy Code (the “Petition Date”), which is presently pending in this judicial district as Case No. 13-40472-659.

5. Pursuant to 11 U.S.C. § 521, 11 U.S.C. § 542 and Rule 4002 of the Federal Rules of Bankruptcy Procedure, the Debtor is obligated to cooperate with the Trustee in the

administration of the estate and to surrender to the Trustee all property of the estate, including documents, papers, records and information relating to the property of the estate.

6. On or about February 19, 2013, at the 341 Meeting of the Creditors, the Trustee requested to see a copy of the 2012 tax returns. By letter dated March 4, 2013, Trustee requested that Debtor take her 2004 Chevy Avalanche (the "Vehicle") to be inspected/appraised by Jack Adams at Crossroad Motors.

7. By email dated March 11, 2013, Debtor agreed to have the Vehicle appraised, but notified the Trustee, by email dated March 19, 2013, that the Avalanche was not operational and had not been for several years. Debtor had not testified at the 341 Meeting of the Creditors that the Vehicle had any substantial mechanical problems.

8. By letter dated March 22, 2013, Trustee requested that Debtor: (i) provide a sworn affidavit concerning the condition of the Vehicle (cosmetic and mechanical); and (ii) turnover a copy of her 2012 tax returns.

9. As of the date of this Motion, Debtor has not complied with Trustee's requests.

WHEREFORE, the Trustee respectfully requests that this Honorable Court enter an Order compelling the Debtor, within ten (10) days after the entry of an Order approving this Motion, to: (i) provide the Trustee with a sworn affidavit concerning the condition of the Vehicle (cosmetic and mechanical) and specifying why the Vehicle is not operational, or, alternatively, take the Vehicle to Crossroad Motors for an inspection/appraisal; (ii) turnover a copy of her 2012 federal and state tax returns; and (iii) turnover an amount equal to the bankruptcy estate's non-exempt pro rata share of Debtor's tax refund; and grant such other and further relief as is proper.

Respectfully Submitted,
SUMMERS COMPTON WELLS PC

Date: April 23, 2013

By: /s/ Brian J. LaFlamme
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by electronic filing. I hereby also certify that a copy of the foregoing was served via United States Mail, first class postage prepaid, on the date of the electronic filing of this document to those individuals and entities not requesting service by electronic filing. The individuals and entities being served electronically or by mail are:

United States Department of Justice
U.S. Trustee's Office
111 S. 10th Street, Ste. 6353
St. Louis, MO 63102

C. Scott Brinkman
Brinkman & Alter, LLC
1 North Taylor
St. Louis, MO 63108

Sophornia Harris
6019 Arsenal Street
Saint Louis, MO 63129

GM Financial
PO Box 181145
Arlington, TX 76096

Date: April 23, 2013

/s/ Marquita Monroe